



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,599	11/09/2000	Toshihiko Oda	197894US2	1501

7590 01/30/2004

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

HILLERY, NATHAN

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/708,599	Applicant(s) ODA, TOSHIHIKO	
	Examiner Nathan Hillery	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Change of Address filed on 12/19/02.
2. Claims 1 – 13 are pending in the case. Claims 1, 5, 9, and 10 are independent.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 – 4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims can reflect a series of mental/manual steps. The claimed invention simply manipulates abstract ideas without practical application in the technological arts. Consequently, the claimed invention does not require the technical or useful arts and, thus, fails to define patentable subject matter. Further, the claimed invention merely recites nonfunctional, descriptive material.
5. Claims 5 – 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims speak to an apparatus that is not tangibly embodied to a computer system. Consequently, the claimed invention does not require the technical or useful arts and, thus, fails to define patentable subject matter.
6. Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loke et al. (Logic Programming with the World-Wide Web).

9. **Regarding independent claim 1**, Loke et al. teach that *each visited page is parsed for its link information, which is stored as facts of the form link (<label>, <URL>)* ... Also, the *located_at/2* facts of relevant pages are used as pointers to other pages to visit ... In general, more complex parsing can be carried out, and more complex link relations constructed. Each *located_at/2* fact establishes a relationship between the page containing it and the page whose URL is an argument of the fact. This indicates how LP can be used to enrich the relationship between pages (page 8, second and third block paragraphs), which provide for **describing an abstract link in the first document of the link source**. Loke et al. do not explicitly teach that **the abstract link describing a link establishing condition for determining a document link between the first document of the link source and the second document of the linking destination on a basis of retrieval of document information of the first document of the link source and the second document of the linking destination**; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to know that the link does **establish a condition for determining a link** ..., since the link

establishes a relationship between the page containing it and the page whose URL is an argument of the fact (page 8, third block paragraph, last bullet).

10. **Regarding dependent claim 2**, Loke et al. do not explicitly teach a **Horn clause predicate expression**. However, it would have been obvious to one with ordinary skill in the art at the time of the invention to recognize that *demo (M, T#>G) :- T=m_id(URL), ...* (page 6, under the Meta-Interpreter section) provides that **the abstract link describes a nature of document elements of the first document of the link source and the second document of the linking destination according to a Horn clause predicate expression**.

11. **Regarding dependent claim 3**, Loke et al. teach that *the relevance measure of a page is the number of mentions of the keywords from the initial list, or of keywords related to a keyword in the original list. This notion of 'relatedness' is defined using related/2 facts. Each visited page is parsed for its link information, which is stored as facts of the form link (<label>, <URL>) ... Also, the located_at/2 facts of relevant pages are used as pointers to other pages to visit ... In general, more complex parsing can be carried out, and more complex link relations constructed. Each located_at/2 fact establishes a relationship between the page containing it and the page whose URL is an argument of the fact. This indicates how LP can be used to enrich the relationship between pages ... Note that M is instantiated to different module identifiers upon backtracking, allowing a search through all the existing related/2 facts. As the set of related/2 facts grow, a call to path_related/3 can succeed even if an earlier call with the same arguments failed* (page 8, first block to fifth block), which provide for **the abstract**

link derives document elements of the first document of the link source and the second document of the linking source documents satisfying the link establishing condition on a basis of a backtrack evaluation and a calculation to bind a variable based upon the document information retrieval.

12. **Regarding dependent claim 4**, Loke et al. do not explicitly teach **an atom predicate**. However, Loke et al. do teach that *the predicate web_load_doc/1 fetches the Web page of the given URL and installs it* (page 6, last block under the Meta-Interpreter section). It would have been obvious to one with ordinary skill in the art at the time of the invention to know that **the abstract link is described using an atom predicate**, since *the syntax of live clauses has been kept as close as possible to that of ordinary Prolog* (page 6, first block under the Meta-Interpreter section).

13. **Regarding independent claim 5**, the claim incorporates substantially similar subject as claim 1 and is rejected along the same rationale.

14. **Regarding dependent claim 6**, the claim incorporates substantially similar subject as claim 2 and is rejected along the same rationale.

15. **Regarding dependent claim 7**, the claim incorporates substantially similar subject as claim 3 and is rejected along the same rationale.

16. **Regarding dependent claim 8**, the claim incorporates substantially similar subject as claim 4 and is rejected along the same rationale.

17. **Regarding independent claim 9**, the claim incorporates substantially similar subject as claim 1 and is rejected along the same rationale.

18. **Regarding independent claim 10**, the claim incorporates substantially similar subject as claim 1 and is rejected along the same rationale.
19. **Regarding dependent claim 11**, the claim incorporates substantially similar subject as claim 2 and is rejected along the same rationale.
20. **Regarding dependent claim 12**, the claim incorporates substantially similar subject as claim 3 and is rejected along the same rationale.
21. **Regarding dependent claim 13**, the claim incorporates substantially similar subject as claim 4 and is rejected along the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (703) 305-4502. The examiner can normally be reached on M - F, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

NH


JOSEPH H. FEILD
PRIMARY EXAMINER